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REPORT

drawn up on behalf of the Committee on Rules of Procedure
and Petitions

incorporating proposed amendments to the Rules of Procedure
concerning committees of inquiry (existing Rule 95) with
consequential amendments to the Rules concerning committees
in general

Rapporteur : Mr Christopher PROUT

PE 105 107/fin.
Or.En.

By letter of 12 December 1985 (PE 102.524) the President of the European Parliament asked the Committee on the Rules of Procedure and Petitions to examine certain problems that had arisen in connection with the application of Rule 95 and, if appropriate, to propose amendments to the Rules of Procedure.

At its meeting of 24 January 1986 the committee appointed Mr PROUT rapporteur.

The committee considered a working document at its meeting of 18-19 March 1986, and at its meeting of 22 May 1986 examined the rapporteur's draft report. The amendments to the Rules of Procedure were adopted with varying majorities and the proposal for a decision was adopted unanimously.

The following took part in the vote: Messrs AMADEI (chairman); CHANTERIE (vice-chairman); Mr PROUT (rapporteur); ADAM, BARZANTI, CABRERA BAZAN, CAMPINOS, CRESPO, DONNEZ, I. FRIEDRICH, MALANGRE, Mrs OPPENHEIM.

The report was tabled on: 11 August 1986

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

CONTENTS

	<u>Page</u>
A. PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE	5
PROPOSAL FOR A DECISION	10
B. EXPLANATORY STATEMENT	11

The Committee on the Rules of Procedure and Petitions hereby submits to the European Parliament the following amendments to the Rules of Procedure and proposal for a decision with explanatory statement:

Present Rules of Procedure

Proposed Amendments

CHAPTER XII
COMMITTEES

Rule 91

Setting up of committees

Parliament shall set up standing or temporary, general or special committees, and shall define their powers (¹).

Rule 91

1. Parliament shall set up standing committees, whose powers shall be defined in an annex to the Rules of Procedure. Their members shall be elected during the first part-session following the re-election of Parliament and again two and a half years thereafter.

2. Parliament may at any time set up temporary committees, whose powers, composition and term of office shall be defined at the same time as the decision to set them up is taken; their term of office shall not exceed twelve months, except where Parliament extends that term on its expiry.

3. Parliament shall, at the request of one quarter of its current Members, set up committees of inquiry to investigate alleged contraventions of Community law or incidents of maladministration with respect to Community responsibilities. The request shall indicate the matter to be investigated and contain a justification in sufficient detail for the President, without reference to the House to decide whether the conditions are met.

(existing Rule 95(3))

The provisions of these Rules of Procedure relating to the committees shall apply to the proceedings of the committee of inquiry and to the powers of its chairman.

A committee of inquiry shall consist of no more than fifteen members. It shall conclude its work within a period not exceeding nine months by submitting a report to Parliament on the outcome of its inquiry; it shall not be entitled to submit any motion for a resolution to Parliament.

¹ See Annex V (unchanged)

Present Rules of Procedure

Rule 92

Composition of committees

1. Committee members shall be elected during the first part-session following the re-election of Parliament and again two and a half years thereafter. Nominations shall be addressed to the Bureau of Parliament, which shall submit to Parliament proposals designed to ensure fair representation of Member States and of political views.

When a Member changes political groups he shall retain, for the remainder of his two and a half year term of office, the seats he holds in parliamentary committees. However, if a Member's change of political group has the effect of disturbing the fair representation of political views in a committee, new proposals for the composition of that committee shall be made by the Bureau in accordance with the procedure laid down in paragraph 1, second sentence, whereby the individual rights of the Member concerned shall be guaranteed.

2. Amendments to the proposals of the Bureau shall be admissible only if they are tabled by at least thirteen Members. Parliament shall vote on such amendments by secret ballot.

3. The Bureau of Parliament may provisionally decide to fill any vacancy on a committee with the agreement of the persons to be appointed and having regard to paragraph 1.

4. Any such changes shall be placed before Parliament for ratification at the next sitting.

Rule 93

Substitutes

1. The political groups may appoint a number of permanent substitutes for each committee equal to the number of full members representing them on the committee. The President of Parliament shall be informed accordingly. These permanent substitutes shall be entitled to attend and speak at committee meetings and, in the event of the absence of the full member, to take part in the vote.

2. In addition, in the absence of the full member and where no permanent substitutes have been appointed or in their absence, the full member of the committee may arrange to be represented at meetings by another member of his political group, who shall be entitled to vote. The name of the substitute shall be notified in advance to the chairman of the committee.

1. Paragraph 2 shall apply, by analogy, to the Non-attached Members.

2. The advance notification provided for in the last sentence of paragraph 2 must be given before the end of the debate or before the opening of the vote on the item or items for which the full member is to be replaced.

Proposed Amendments

Rule 92

1. Committee members shall be elected after nomination to the Bureau by the political groups or at least thirteen Members; the Bureau shall submit to Parliament proposals designed to ensure fair representation of Member States and of political views.

interpretation unchanged

2. unchanged

3. In circumstances of failure by a political group to make nominations to a committee of inquiry pursuant to paragraph 1 within a time limit set by the Bureau, the President, after consulting the enlarged Bureau and the standing committee responsible for the Rules of Procedure, shall set aside the provisions of Rule 92(1) and (2) and Rule 98, and set up the committee of inquiry and appoint its bureau on his own responsibility.

4. unchanged

5. unchanged

Rule 93

unchanged

Present Rules of Procedure

Proposed Amendments

Rule 94

Duties of committees

1. Committees shall examine questions referred to them by Parliament or, during an adjournment of the session, by the President on behalf of the Bureau.

2. Should a committee declare itself incompetent to consider a question, or should a conflict arise over the competence of two or more committees, the question of competence shall be placed on Parliament's agenda on a proposal from the Bureau or at the request of one of the committees concerned.

3. Should two or more committees be competent to deal with a question, one committee shall be named as the committee responsible and the others as committees asked for opinions.

A question shall not, however, be referred simultaneously to more than three committees, unless it is decided for sound reasons to depart from this rule under the conditions laid down in paragraph 1.

4. Any two or more committees or subcommittees may jointly consider matters coming within their competence but shall not take a decision.

5. Any committee may, with the agreement of the Bureau of Parliament, instruct one or more of its members to undertake a study or fact-finding mission.

Rule 94

1. Standing committees shall examine questions referred to them by Parliament or, during an adjournment of the session, by the President on behalf of the Bureau. The duties of temporary committees and committees of inquiry shall be defined when they are set up, and they shall not be entitled to deliver opinions to other committees.

2. Should a standing committee declare itself incompetent to consider a question, or should a conflict arise over the competence of two or more standing committees, the question of competence shall be placed on Parliament's agenda on a proposal from the Bureau or at the request of one of the standing committees concerned.

3. Should two or more standing committees be competent to deal with a question, one committee shall be named as the committee responsible and the others as committees asked for opinions.

A question shall not, however, be referred simultaneously to more than three committees, unless it is decided for sound reasons to depart from this rule under the conditions laid down in paragraph 1.

4. unchanged

5. unchanged

Present Rules of Procedure

Rule 95

Committees of inquiry

1. Parliament shall, at the request of one quarter of its current Members and without previously referring the request to committee, set up a committee of inquiry to investigate specific matters. The request shall indicate the matter to be investigated, which must fall within the sphere of activities of the Communities.

At the request of one quarter of its current Members, Parliament shall automatically set up a committee of inquiry; such a request need not be put to the vote in the House.

The President shall decide whether a request to set up a committee of inquiry meets the conditions set out in paragraph 1. The request shall contain a time-limit before which the committee must deliver to Parliament its Final Report. This time-limit shall not exceed 12 months. The committee may ask for the time-limit to be extended by submitting an Interim Report. A committee of inquiry shall not be entitled to submit a report to Parliament other than an Interim or Final Report on the outcome of the inquiry. Nor shall it be entitled to submit any motion for a resolution to Parliament or to deliver any opinion to another committee.

2. Parliament shall determine the composition of the committee of inquiry on a proposal from the Bureau, subject to the provisions of Rule 92(1), second sentence.

3. The provisions of these Rules of Procedure relating to the committees shall apply to the proceedings of the committee of inquiry and to the powers of its chairman.

Rule 96

Committee on the Verification of Credentials

1. Parliament shall set up a Committee on the Verification of Credentials for the purpose of preparing decisions on any objections concerning the validity of elections.

2. This committee shall consist of twelve Members who shall be elected pursuant to Rule 92.

The Committee on the Verification of Credentials is set up after the election of the President and the Bureau of Parliament pursuant to Rule 92. Until such time as their credentials have been verified, Members take part in the work of Parliament and enjoy full rights pursuant to Rule 6(3) (See also explanatory note on Rule 11(2)).

Rule 97

Subcommittees

1. Subject to prior authorization by the enlarged Bureau a committee may, in the interest of its work, appoint one or more subcommittees, of which it shall at the same time determine the composition and competence, pursuant to Rule 92. Subcommittees shall report to the committee that set them up.

Proposed Amendments

Rule 95: DELETED

Rule 96: unchanged

Rule 97

1. Subject to prior authorization by the enlarged Bureau a standing or temporary committee may, in the interest of its work, appoint one or more subcommittees, of which it shall at the same time determine the composition and competence, pursuant to Rule 92. Subcommittees shall report to the committee that set them up.

Rule 97 (continued)

2. The procedure for subcommittees shall be the same as for committees.
3. Substitutes shall be allowed to sit on subcommittees under the same conditions as on committees.

2. unchanged

3. unchanged

Rule 98

Rule 98

Committee Bureaus

1. At the first committee meeting after the election of committee members pursuant to Rule 92, the committee shall elect a Bureau consisting of a chairman and one, two or three vice-chairmen.

1. unchanged

2. Without prejudice to the second subparagraph of this paragraph, the Bureau shall be elected by secret ballot without discussion. Its election shall require an absolute majority of the votes cast; where, however, a second ballot proves to be necessary, a relative majority shall suffice.

2. unchanged

If the number of nominations corresponds to the number of seats to be filled, the candidate or candidates may be declared elected without holding the ballot referred to in the first subparagraph.

3.(new) The provisions of paragraph 1 and 2 may be set aside under the conditions laid down in Rule 92(3).

Rule 99-105: unchanged

PROPOSAL FOR A DECISION

amending the Rules of Procedure of the European Parliament
relating to committees of inquiry with consequential amendments
to the Rules concerning committees in general

The European Parliament,

- having regard to the letter of 12 December 1985 from its President to the Committee on the Rules of Procedure and Petitions (PE 102.524) concerning difficulties over the application of Rule 95 of the Rules of Procedure,
 - having regard to Rules 111 and 112 of the Rules of Procedure,
 - having regard to the report of the Committee on the Rules of Procedure and Petitions (Doc. A2-100/86),
1. Decides to incorporate in its Rules of Procedure the foregoing amendments;
 2. Instructs its Secretary-General to ensure that the amended texts are rendered correctly in the nine official languages of the Community;
 3. Instructs its President to forward this decision for information to the Council, the Commission of the European Communities and the Foreign Ministers meeting in political cooperation.

EXPLANATORY STATEMENT

1. During the last two years the provisions in the Rules of Procedure on committees of inquiry have posed problems for the President both as to whether a request to set up a committee of inquiry met the conditions set out in Rule 95(1), and as to the composition of a committee of inquiry in circumstances where the political groups comprising the majority of the members of the House were opposed to its establishment. The second problem arises because the provisions concerning the composition of a committee of inquiry (see Rule 95(2)) refer to the rules for the election of members to ordinary committees (Rule 92(1)). The Bureau has asked the Committee on Rules of Procedure and Petitions to reexamine the problem and to propose amendments to the Rules.

(a) As to the first problem Rule 95 states that "Parliament shall at the request of one-quarter of its current members and without previously referring the request to committee set up a committee of inquiry to investigate specific matters. The request shall indicate the matter to be investigated which must fall within the sphere of activities of the Community." The difficulty lies in the expression 'specific matters'. The draftsman of the Rule, Mr LUSTER, indicated that the expression 'specific matters' was intended to have a rather restrictive meaning, consistent with current practice in the German Bundestag. 'Specific matters' did not mean that a committee could be set up to consider policy matters or changes in existing laws. Its task was to look at matters such as allegations of corruption or maladministration and contraventions of existing law. However, Parliament has given 'specific matters' a rather broader definition. A committee of inquiry can be set up by the signature of only a quarter of the Members, which has led it to be described as a minority right provision.

(b) The second problem arises from the wording of Rule 92. Once the President has acceded to the establishment of a committee of inquiry, members have to be appointed to it. The leaders of the political groups forward nominations to the Bureau, which, under the second sentence of Rule 92(1), 'shall submit to Parliament proposals designed to ensure fair representation of Member States and of political views'. The operation of this sentence has led to Parliament overruling the minority rights of those Members who wish to set up the committees of inquiry. The most glaring illustration is in relation to the committee which was proposed to investigate allegations of police brutality in the course of the miners' strike in the United Kingdom. A quarter of the House succeeded in getting the committee established under Rule 95, but a number of political groups subsequently failed to submit nominations for members of that committee. As a result the President and the Bureau were unable to meet the requirement of political and national balance laid down in the Rules and were consequently not in a position to submit proposals on membership of this committee to Parliament. Moreover, even had they been in that position, a simple majority of Parliament could, if it had wished, have rejected the President's proposals. In effect, the operation of the second sentence of Rule 92 renders, or can render, the minority rights under Rule 95 meaningless.

2. The present proposal for a restructured Chapter XII of the Rules of Procedure is based on the following principles:

(a) by defining standing, temporary and inquiry committees in one and the same Rule, it will be less difficult for the President to decide whether the problem in question should be examined by an 'ordinary' or an inquiry committee;

(b) by restrictively defining the field of activity of any inquiry committee to cover maladministration and contraventions of existing Community law but, at the same time, changing the effect of the second sentence of Rule 92 so that if the political leaders of the majority choose to block an inquiry committee by refusing to submit nominations, the President can set up the committee himself, the majority can no longer obstruct the setting-up of an inquiry committee.

3. The new design is to have three kinds of committees as set out in my proposed new Rule 91:

(a) the first class of committee, the standing committee, remains unchanged. It responds to legislative initiatives presented to Parliament by the Council. It fulfils a constitutional duty which is laid down in the Treaties. Broadly speaking, the standing committee's structure reflects the Directorate-General structure in the Commission:

(b) the second class of committee, the temporary committee, will deal with political problems which require concentrated attention for a limited period. It is, like the standing committee, a political committee. It is temporary because there are circumstances in which particular political problems need an in-depth analysis which cannot be provided by the standing committee - for example, problems concerning drugs or racism and fascism. In a sense, it is an own-initiative committee, because what Parliament is saying is 'here is an issue which we think the Commission is not taking seriously enough - we want to look at it in depth,' and, perhaps as a result of that analysis, Parliament might press the Commission into doing something more than what it is doing already. The duties of a temporary committees will be defined when it is set-up. It is established by a simple majority of Parliament:

(c) the third class of committee, the inquiry committee, is constituted at the request of one-quarter of the current Members of Parliament to investigate alleged contraventions of Community law or incidents of maladministration with respect to Community responsibilities. Inquiry committees are not political committees at all. They do not look to the future and say 'this ought to be done'. They supervise the past. They look at the existing body of Community legislation and the way that it is implemented, either by the Commission or by the Member States. They look to see whether there are breaches of the law, or elements of maladministration or corruption in the administration of the law. In other words, they assist Parliament in its supervisory role.

4. The duties of committees of inquiry shall be defined when they are set up and they shall not be entitled to deliver opinions to other committees. A committee of inquiry shall consist of no more than 15 Members. It shall conclude its work within a period not exceeding nine months by submitting a report to Parliament on the outcome of its inquiry. It shall not be entitled to submit any motion for a resolution to Parliament. The request to establish a committee shall indicate the matter to be investigated and contain a justification in sufficient detail for the President, without reference to the House, to decide whether the conditions are met. The exclusive discretion of the President with respect to the establishment of an inquiry committee is therefore retained. He is the guardian of the minority right. Committee members shall be elected, after nomination to the Bureau, by the political groups or at least thirteen Members; the Bureau shall submit to Parliament proposals designed to ensure fair representation of Member States and of political views. Rule 92(3) is changed to read as follows: "In circumstances of failure by a political group to make nominations to a committee of inquiry pursuant to paragraph 1 within a time-limit set by the Bureau the President, after consulting the enlarged Bureau and the standing committee responsible for the Rules of Procedure, may set aside the provisions of Rule 92(1) and (2) and Rule 98 and set up the committee of inquiry and appoint its Bureau on his own responsibility." Thus, in this exceptional case, the general requirement contained in Rule 92(1) falls away, and the inquiry committee's members are appointed directly by the President. In making such appointments the President is not bound by the duty to ensure "fair representation of Member States and of political views" that otherwise governs the composition of committees or, in other words, the political group leaders will no longer be able to use Rule 91 to block the establishment of a committee of inquiry by choosing not to propose members. Nor will they be able to block it by failing to confirm committee membership by a majority vote in the House.

